

WSR 09-24-027
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed November 23, 2009, 9:54 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-531-2000 Increased payments for physician-related services for qualified trauma cases, 388-546-3000 Transporting qualified trauma cases, and 388-550-5450 Supplemental distributions to approved trauma service centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.168.040 and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule changes will give DSHS greater flexibility in making supplemental trauma payments to providers in order to leverage federal matching funds under the American Recovery and Reinvestment Act (ARRA) and maximize trauma care system reimbursement. It will also clarify existing policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health (DOH) and DSHS coordinate administration and funding of the statewide trauma care system, so DOH will be involved in developing the rule through regular ongoing meetings and communications.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, HRSA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sullikm@dshs.wa.gov.

November 23, 2009
 Stephanie E. Vaughn
 Rules Coordinator

WSR 09-24-028
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed November 23, 2009, 9:59 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-106-1000 through 388-106-1055, private duty nursing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending

rules to change the frequency of the comprehensive assessment reporting evaluation (CARE) assessment and skilled nursing task log.

Other policy changes that arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

Process for Developing New Rule: DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rules with the office of [the] code reviser with a notice of proposed rule making and send the proposal to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Sevruck, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2538, fax (360) 438-8633, TTY (360) 493-2637, e-mail sevruta@dshs.wa.gov.

November 23, 2009
 Stephanie E. Vaughn
 Rules Coordinator

WSR 09-24-029
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed November 23, 2009, 10:00 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-561 WAC, Trusts, annuities, and life estates—Effect on medical programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500 and 74.09.530; Deficit Reduction Act of 2005, Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending chapter 388-561 WAC as follows:

- Adding language per section 6016(d) of the Deficit Reduction Act of 2005. This amendment provides that unless an individual purchasing a life estate in another individual's home actually resides there for a period of at least one year after the date of the purchase, the transaction shall be treated as a transfer of asset.
- Adding language regarding promissory notes.
- Rewriting chapter 388-561 WAC by creating new sections for clarity and readability.

Other policy changes on these subjects may be incorporated into this rule making. Other WAC chapters may need to be updated as a result of this rule making.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the

proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail rollej@dshs.wa.gov[v].

November 23, 2009
Stephanie E. Vaughn
Rules Coordinator

WSR 09-24-030

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed November 23, 2009, 10:02 a.m.]

Subject of Possible Rule Making: WAC 388-550-7200, 388-550-7300, and possible other sections in chapter 388-550 WAC, Hospital services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule adds language regarding hospital requirements to bill according to the national correct coding initiative (NCCI) standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-45504, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

November 23, 2009
Stephanie E. Vaughn
Rules Coordinator

WSR 09-24-033

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed November 23, 2009, 1:34 p.m.]

Subject of Possible Rule Making: Cities and counties that apply for a gambling license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2009 the state legislature amended RCW 9.46.0209 effectively adding cities and counties as bona fide charitable nonprofit organizations. As a result, cities and counties are now allowed to apply for and hold gambling licenses to conduct fundraising activities. This proposed rule change adds the required information needed on an application for a gambling license received from a city or county.

Process for Developing New Rule: Other [no further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle M. Pardee, Acting Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3465, fax (360) 486-3625; Rick Day, Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446, fax (360) 486-3625; or Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579, fax (360) 486-3625.

Study session at the commission meeting on January 14, 2010, at the DoubleTree Guest Suites-SouthCenter, 16500 Southcenter Parkway, Tukwila, WA 98188, (206) 575-8220; up for filing at the commission meeting on February 12, 2010, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-7718; and a study session at the commission meeting on March 11, 2010, at the Lacey Community Center, Woodland Creek Community Park, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857.

November 23, 2009
Michelle M. Pardee
Acting Rule[s] Coordinator

WSR 09-24-035

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed November 23, 2009, 1:34 p.m.]

Subject of Possible Rule Making: Applicants for a gambling license and current gambling licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule was previously codified under WAC 230-04-240. This was removed during the rule simplification process in favor of RCW 9.46.070(5). This proposed new rule will add back and clarify the requirement that applicants and licensees are to pay for additional costs incurred during any prelicensing or post-licensing

investigations where the basic license fees are insufficient to cover our costs.

Process for Developing New Rule: Other [no further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle M. Pardee, Acting Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3465, fax (360) 486-3625; Rick Day, Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446, fax (360) 486-3625; or Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579, fax (360) 486-3625.

Study session at the commission meeting on January 14, 2010, at the DoubleTree Guest Suites-SouthCenter, 16500 Southcenter Parkway, Tukwila, WA 98188, (206) 575-8220; up for filing at the commission meeting on February 12, 2010, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-7718; and a study session at the commission meeting on March 11, 2010, at the Lacey Community Center, Woodland Creek Community Park, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857.

November 23, 2009
Michelle M. Pardee
Acting Rule[s] Coordinator

WSR 09-24-036

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed November 23, 2009, 1:35 p.m.]

Subject of Possible Rule Making: Charitable and non-profit organizations requesting to offer a large scale raffle.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed rule change will require charitable and nonprofit organizations to submit a proposed plan of operations and what details must be in the plan in order to hold a large scale raffle where a single prize exceeds forty thousand dollars or eighty thousand dollars annually.

Process for Developing New Rule: Other [no further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle M. Pardee, Acting Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3465, fax (360) 486-3625; Rick Day, Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446, fax (360) 486-3625; or Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579, fax (360) 486-3625.

Study session at the commission meeting on January 14, 2010, at the DoubleTree Guest Suites-SouthCenter, 16500 Southcenter Parkway, Tukwila, WA 98188, (206) 575-8220; up for filing at the commission meeting on February 12,

2010, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-7718; and a study session at the commission meeting on March 11, 2010, at the Lacey Community Center, Woodland Creek Community Park, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857.

November 23, 2009
Michelle M. Pardee
Acting Rule[s] Coordinator

WSR 09-24-046

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMERCE

[Filed November 24, 2009, 10:10 a.m.]

Subject of Possible Rule Making: New chapter 365-198 WAC would provide an alternative to an interlocal agreement to cities and counties participating in the regional transfer of development rights (TDR) program for central Puget Sound. This includes Pierce, King, Snohomish, and Kitsap counties and the cities within them. The rule would provide terms and conditions that they may adopt by reference in lieu of an interlocal agreement to transfer development rights. The rule is intended to facilitate participation by cities and counties in the TDR program. The rule would be strictly voluntary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.362.050 directs the department of commerce to develop and adopt by rule terms and conditions of an interlocal agreement for transfers of development rights between counties, cities, and towns to facilitate participation in the regional TDR program.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule was recommended by an advisory committee convened by the department of commerce pursuant to RCW 43.362.020 (as enacted by the legislature in 2007 in session law, section 3, chapter 482). The rule was recommended as a tool to facilitate transfers of development rights between counties and cities under the regional transfer of development rights program. Currently, a county and city are required to enter into an interlocal agreement to transfer development rights. The rule would allow a county and city to adopt the terms and conditions of an interlocal agreement as set out in the rule by reference, rather than having to negotiate a formal interlocal agreement. Cities and counties have indicated that this would make the process of transferring development rights easier.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal or state agencies regulate interlocal agreements between cities and counties.

Process for Developing New Rule: Department of commerce will convene an advisory committee of representatives of cities and counties in the central Puget Sound interested in participating in the regional transfer of development rights program.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication. Cities and counties interested in participating in the regional transfer of development rights program may participate in the advisory committee. Other interested cities and counties, stakeholders, and citizens may participate in several ways, including signing up for the commerce listserv to receive notices of advisory committee meetings, viewing information on the commerce web site, attending and listening to advisory committee discussions, and providing comments directly to the commerce staff. The commerce staff lead is Heather Ballash at (360) 725-3044, Heather.Ballash@commerce.wa.gov.

November 24, 2009
Marie Sullivan
Interim Assistant Director
Financial Services Division

WSR 09-24-064

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed November 25, 2009, 9:28 a.m.]

Subject of Possible Rule Making: Class F and house-banked gambling licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change would allow Class F and house-banked gambling licensees to have on-line access to banking statements so that a commission agent can verify deposits of player supported jackpot funds. Currently, gambling licensees must keep a validated deposit receipt or slip to verify deposits of player supported jackpot funds.

Process for Developing New Rule: Other [no further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle M. Pardee, Acting Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3465, (fax) (360) 486-3625; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579, (fax) (360) 486-3625; or Rick Day, Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446, (fax) (360) 486-3625.

November 25, 2009
Michelle M. Pardee
Acting Rule[s] Coordinator

WSR 09-24-065

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed November 25, 2009, 10:18 a.m.]

Subject of Possible Rule Making: Chapter 36-12 WAC, Professional boxing; chapter 36-13 WAC, Professional wrestling; and chapter 36-14 WAC, Professional martial arts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.08.017, 67.08.105, 43.24.023, and 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend, retain, or repeal current rules as per the governor's directive on rules review. To further clarify laws that passed during the 2009 legislative session (SB 6126, chapter 429, Laws of 2009). Chapter 429, Laws of 2009, requires the boxing, martial arts, and wrestling program to collect enough revenue to cover administrative costs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department of licensing (DOL) will be working with an ad hoc committee on rule making. Communication with the public in general will be made through the DOL professional athletics web site and the BOXING-MARTIAL-ARTS-WRESTLING listserv. To receive information by email, please sign up on the BOXING-MARTIAL-ARTS-WRESTLING listserv at <http://listserv.wa.gov>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lawna Knight, Department of Licensing, Business and Professions Division, Professional Athletics Program, P.O. Box 9026, Olympia, WA 98507, phone (360) 664-6643, e-mail lknight@dol.wa.gov, fax (360) 664-2550. Interested parties may send in their comments by mail, phone, facsimile, or e-mail. The public is also welcome to attend the ad hoc committee meetings. Details of the ad hoc committee meetings will be posted on our web site and distributed through the BOXING-MARTIAL-ARTS-WRESTLING listserv. Additional information will be posted on the professional athletics internet web site as it becomes available at <http://www.dol.wa.gov/business/athletics/>.

November 25, 2009

Walt Fahrner

Rules Coordinator

WSR 09-24-111

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed December 2, 2009, 10:33 a.m.]

Subject of Possible Rule Making: The department is considering rule making for the following: Deer and elk seasons and permits; cougar permits; black bear seasons and permits; mountain goat, bighorn sheep, and moose permits; raffle and auction rules and fees; bighorn sheep marking rules; turkey seasons and permits; landowner hunting permit program; deer and elk area boundaries; and hunting equipment rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.12.040, 77.32.070, 77.32.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provides clarification and recreational opportunity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515. Contact by January 25, 2010. Expected proposal filing on or after February 3, 2010.

December 2, 2009

Lori Preuss

Rules Coordinator

WSR 09-24-116

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 2, 2009, 11:39 a.m.]

Subject of Possible Rule Making: Chapter 16-92 WAC, Notices of infraction—Penalty schedule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2009 legislative session, Washington state department of agriculture (WSDA) was given authority to issue notices of and enforce civil infractions for any person found transporting livestock on the public roads of this state without a valid health certificate or permit and to any person who knowingly transports or accepts delivery of live nonambulatory livestock. WSDA is considering developing a new chapter within Title 16 WAC that would describe the department's penalty schedule for violations of RCW 16.36.116, and the monetary amount per violation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: WSDA staff will develop the rules proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lynn Briscoe, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1987, fax (360) 902-2087, e-mail lbriscoe@agr.wa.gov.

December 2, 2009

Leonard E. Eldridge, DVM

Assistant Director